

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.26509 of 2016
and WMP.No.22719 of 2016

M/s.Associated Engineering concerns
A partnership firm represented by its Partner
Mr.H.NatarajanPetitioner

Vs.

- 1.The Secretary to Government
Housing and Urban Development
Secretariat, Chennai-600 009
- 2.Regional Deputy Commissioner (South)
Enforcement Cell,
Chennai Corporation, Adyar, Chennai-20
- 3.The Executive Engineer
TP (Enforcement) South
Chennai Corporation, Adyar
Chennai-20
- 4.Assistant Executive Engineer
Unit 38, Chennai Corporation
Adyar, Chennai-600 020
- 5.Junior Engineer
Division 176, Chennai Corporation
Adyar, Chennai-600 020

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in impugned Notice No.676/2015 dated 08.06.2016 and quash the same and to forbear the respondent 2 to 5 from interfering with the petitioner's peaceful possession and enjoyment of the premises bearing New Door No.43, Old Door No.24, Parameshwari Nagar, 1st street, Adayar, Chennai-600 020.

For Petitioner : Mr.B.Vijay

For Respondents : Mr.A.Nagarajan, for R2 to R5
Mrs.A.Srijayanthi, Spl.Govt.Pleader
for R1

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard Mr.B.Vijay, learned counsel for the petitioner, Mr.A.Nagarajan, learned Standing Counsel for Respondents 2 to 5 and Mrs.A.Srijayanthi, learned Special Government Pleader, who accepts notice for the 1st respondent.

2. Challenging the impugned Notice dated 08.06.2016 passed by the 3rd respondent, this writ petition is filed seeking to quash the same and to forbear the respondent 2 to 5 from interfering with the petitioner's peaceful possession and enjoyment of the premises bearing New Door No.43, Old Door No.24, Parameshwari Nagar, 1st street, Adayar, Chennai-600 020.

3. It is averred in the Writ Petition that the petitioner herein is the registered Partnership Firm and vide the Joint Development Agreement dated 11.08.2013, they developed the said property; that the respondent has initiated action under Section 56 & 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, alleging that there is minor deviation in construction and invoked power under Section 56 & 57 of the Act for lock and sealing and demolition of the flats. It is further averred that by the impugned notice dated 08.06.2016 the 3rd respondent, by mentioning set backs and floor violations, called upon the petitioner to restore the building to its condition before the said construction took place within 30 days. It is stated that the petitioner preferred Appeal under Section 80-A of the Act and the same is pending.

4. The learned Special Government Pleader appearing for Respondent No.1, who was directed to take notice, submits that two months time may be given to pass necessary orders in the Appeal filed under Section 80A of the Act.

5. In the light of the said submission, we direct the 1st respondent to consider the Appeal dated 06.07.2016 preferred by the petitioner, and pass necessary orders in accordance with law within a period of two months from the date of receipt of a copy of this order. Till the disposal of the said appeal, the respondents shall not take any coercive steps against the petitioner.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP.22719 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nvsri
To

- 1.The Secretary to Government
Housing and Urban Development
Secretariat, Chennai-600 009
- 2.Regional Deputy Commissioner (South)
Enforcement Cell,
Chennai Corporation, Adyar, Chennai-20
- 3.The Executive Engineer
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Division 176, Chennai Corporation
Adyar, Chennai-600 020

+1 cc to the Government Pleader sr 43325
+1 cc to M/s.B.Vijay Advocate sr 47241

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